

KARN020016762022



Presented on : 30-11-2022
Registered on : 30-11-2022
Decided on : 23-06-2026
Duration : 03 years, 06 months, 23 days

**BEFORE THE I ADDL. SENIOR CIVIL JUDGE & JMFC.,
AT RAMANAGARA.**

:PRESENT:

Smt.Niveditha.T.M., B.A.L., LL.B.,
I Addl. Senior Civil Judge & JMFC.,
Ramanagara.

O.S.No:604/2022

DATED : THIS 23rd DAY OF JUNE, 2026

Plaintiff/s: Mr.Koralli Abhay Kumar
S/o.Pralhad Rao Koralli,
Aged about 40 years,
R/o: No.642, 11th Cross,
Girinagar 2nd Phase,
Banashankari Main Road,
Banglore-85.

(Rep by Sri.MDAG., Advocate)

V/s

Defendant/s: 1. Smt. Manjula
D/o Chikkanarasimaiah
W/o Mahalinga
Aged about 40 years,
R/o: Hejjala Village,
Bidadi Hobli,



Ramanagara Taluk,
Ramanagara District.

2. Sri. Chikkanarasimaiah
S/o late Ugrappa
Aged about 78 years,
3. Sri. Reveanna Siddappa
S/o Chikkanarasimaiah
Aged about 42 years,
4. Sri. Renukaiah
S/o Chikkanarasimaiah
Aged about 38 years,

D2 to D4 are R/o:
Sheshagirihalli Village,
Hejjala Dhakle, Bidadadi Hobli,
Ramanagara Taluk,
Ramanagara District.

5. Sri. B.Shashidhar Reddy
S/o Adhishankar Reddy
Aged about 60 years,
6. Sri.N.Suresh Reddy
S/o Venkatanarayana Reddy
Aged about 65 years,

D5 & D6 are R/at:
No.101, 1st Floor, Batamiya Chambers, No.8,
Kumarakrupa Road, Shivananda Stores,
Bangalore.

7. Sri.P.Sunil Reddy
S/o Prabhakara Reddy
Aged about 55 years,
R/o: No.675, 1st Floor,



12th Main, 1st Stage,
3rd Block, Basaveshwaranagara,
Bangalore-560084.

8. Sri. Revanna
S/o late Ugrappa
Aged about 75 years,
9. Sri. Rajanna
S/o late Ugrappa
Aged about 69 years,
10. Sri. Puttaiah
S/o late Ugrappa
Aged about 67 years,

D8 to D10 are R/o:
Sheshagirihalli Village,
Bidadi Hobli,
Ramanagara Taluk,
Ramanagara District.

(Placed Exparte)

* * * * *

JUDGMENT

(Delivered on 23/06/2026)

This suit is filed by the plaintiff for declaration and permanent injunction restraining the defendants from interfering peaceful possession and enjoyment of the suit schedule properties till disposal of the suit.



2. Brief facts of plaintiffs' case as follows:

It is the averments of the plaint, that the plaintiff is the absolute owner vacant residential site bearing site No.37, V.P.Khatha No.152900402003102281, property No.123/4, comprised in 'BMICAPA' approved private layout known as 'HARA ENCLAVE' (as per order No.BMICAPA(24)/plan/237/2006-07, dated 24.06.2006) formed out of 3 acres of residential converted land in Sy.No.77/36 (vide Official Memorandum bearing No.B.DIS.ALN.SR 184/94-95, dated 15.05.1995 issued by Assistant Commissioner, Ramanagaram Sub-Division) situated at Sheshagirihalli Village, Bidadi Hobli, Ramanagara Taluk and District, measuring East to West 33.825 feet, North to South 40 feet totally measuring 1353 square feet. The plaintiffs have purchased the same by way of registered sale deed dated 28.11.2005 vide document No.RMN-1-10532-2021-22 of Book-1, stored in CD No.RMND1175, dated 23.02.2022 in the Office of Sub-Registrar, Ramanagara from one



Sri.Sanjay.G and Smt. Rekha.S who had purchased the same under a registered sale deed dated 04.09.2006 from one Sri. N.Suresh Reddy and Sri.P.Sunil Reddy.

3. Further stated that, the said site was formed in Sy.No.73/36 at Sheshagirihalli Village, Bidadi Hobli, Ramanagara Taluk and District, originally Sy.No.73/36 was Government land extent of 3 acres was purchased by one Chikkanarasimaiah in the year 1979. On 15.05.1995 the entire land was converted from agriculture to non-agriculture purpose and sold one Sri. N.Suresh Reddy and P.Sunil Reddy vide registered document No.2782/05-06 dated 28.11.2005. The N.Suresh Reddy and P.Sunil Reddy formed a residential gated community sites and said property consisting of 37 sites after the permission of concerned authority and getting the plan approved the said layout named as 'Hara Enclave' Layout and sold the sites to different persons in the year 2005, 2006 and 2007.

4. Further stated that, plaintiff is absolute owner of site



No.4 of suit schedule 'B' property having purchased the same in a legally formed layout and got the building plan approved, obtained loan from Bank and started putting up the construction. On 20.10.2022 the defendant No.1 along with her henchmen and police came to the place of construction and created a scene claiming to be the owner of the property and that she had obtained a court order shocked by the plaintiff stopped the construction and made enquiries and learnt about the fraudulent judgment, however the plaintiff is not a party to the proceedings. The defendant No.1 has also initiated FDP proceedings and obtained the interim order of injunction and she had arrayed unrelated persons as parties to the suit falsely claiming that it is a joint family property. The defendant No.2 in the said suit was the original grantee who in fact had sold the property way back in the year 2005. Wherein clearly stated that suit schedule 'A' property is his self acquired property and remained Ex-Parte in the said suit, who purchased the property from the original grantee



formed the residential layout and sold the sites, it is clear from the order sheet summons they were not served on the plaintiffs vendors. In the said suit the defendant No.4 to 6 had left the address shown in cause title, the said persons having already sold the property had no interest on the suit schedule 'A' property.

5. Further stated that, the defendant No.7 to 9 have filed the written statement in the said suit convenience to the plaintiff and collusion the fraudulent judgment and decree. The interim order passed by the court does not bind on the plaintiff as he is not a party to the proceedings by the defendant No.1 with the help of the said order and jurisdictional police, henchmen and rowdy goonda elements interfering and attempting to stop the construction over the suit schedule 'B' property. Hence, the present suit.

6. After service of suit summons, the defendants did not appear before the court and were placed Exparte.

7. The plaintiff is examined himself as Pw-1 and 21



documents got marked as Ex.P-1 to Ex.P-21.

8. Heard the arguments and perused materials available on record.

9. On perusal of the pleadings and documents produced by the plaintiff, the following points arise for my determination:

POINTS

- 1) Whether the plaintiff prove that, this court have jurisdiction to try this case?
 - 2) What Order or Decree?
10. My findings on the above points are as under:

Point No.1 :- In the Negative;

Point No.2 :- As per final order for the following:

REASONS

11. **Points No.1**: This suit is filed by the plaintiff for permanent injunction restraining the defendants from interfering peaceful possession and enjoyment of the suit



schedule properties till disposal of the suit.

12. It is averments of the plaint that, sites were formed in Sy.No.73/36 of Sheshagirihalli Village, Bidadi Hobli, Ramanagara Taluk. Originally Sy.No.73/36 was Government land an extent of 3 acres was purchased by Chikkanarasimaiah in the year 1979. The entire extent land was converted from agricultural to non-agricultural purposes in the year 15.05.1995 and sold to one Sri.N.Suresh Reddy and P.Sunil Reddy on 28.11.2005. Sri. N.Suresh Reddy and P.Sunil Reddy formed a residential gate community sites and the said property consisting of 37 sites after the permission of concerned authority and getting the plan approved. The said layout named as “Hara Enclave”. The plaintiff further submits that the said site was formed in Sy.No.77/36 of Sheshagirihalli, Bidadi Hobli, Ramanagara Taluk, Ramanagara. The plaintiff purchase the land site No.4 of suit schedule ‘B’ property in legally formed layout.



13. Such being the case Original Suit No.205/2012 was filed wherein the defendant No.7 to 9 have filed written stamen in the said suit. But these plaintiffs have not been arrayed as parties in the said suit. Under such circumstance the order passed in Final Decree Proceeding is not binding on the plaintiff. The plaintiff in the said suit illegally obtained decree and now there are interfering with the suit schedule properties and disturbing the plaintiff. Hence, the plaintiff seeking for declaration that the judgment and decree passed in O.S.No.205/2012 dated 21.11.2020 is not binding upon the plaintiff and also seeking for permanent injunction.

14. PW.1 filed affidavit in lieu of examination in chief and filed documents such as Karnataka Bank Letter and Copy Memorandum of Deposit of Title Deeds marked at Ex.P1, Copy of Sale Deed dated 16.02.2022 marked at Ex.P2, Form No.3 Tax Paid Receipt marked at Ex.P3, Sketch for Manachanayakanahalli Grama Panchayath marked at



Ex.P4, Copy of Memorandum of Deposit of Title Deeds marked at Ex.P5, Photographs marked at Ex.P6, CD marked at Ex.P6(a), Electricity Bill marked at Ex.P7 and 7(a), Certified Copy of Judgment and Decree in O.S.No.205/2012 marked at Ex.P8, Receipts at ExP-9 and 10, Form No.9 and 11 marked as Ex.P11 and 12, Certified Copy of Sale Deed dated:28.11.2005 marked at Ex.P13, Copies of RTC Extracts marked at Ex.P14 to Ex.P20 and Certified Copy of Layout Plan marked at Ex.P21.

15. Ex.P1 is memorandum of deposit of title deeds with respect to site No.4 and katha No.123/4. Ex.P2 is also sale deed is has produced the photographs. He has also produced judgment and decree passed in O.S.No.205/2012 wherein the defendant No.1 in this case is the plaintiff in the said suit. The suit has been decreed allowing 1/4th share on the plaintiff and defendant No.1 to 3 and 7 to 9. The suit is filed in 2012 it is stated that is after execution of sale deed in 2005. That the court has declared that the suit



schedule properties in O.S.No.205/2012 are the joint family properties and plaintiff entitled for their share and court also declared sale deed dated 28.11.2005 is not binding on the defendant No.7 to 9 in that suit who are the defendant No.8, 9 and 10 in this suit. Therefore the defendant in this suit has got 1/4th share in the suit schedule property. Now, these plaintiff is seeking for the declaration that sale deed dated:28.11.2020 are not binding on this plaintiff. The plaintiff in this suit in the para No.3 states that the land in Sy.No.73/36 was Government land to extend 3 acres which was converted layout plan original belongs to Chikkanarasimaiah. Said Chikkanarasimaiah purchased the 3 acres of land and sold the property to Suresh Reddy. Herein this case the plaintiff has not produced the sale deed to show that Chikkanarasimaiah purchased the property from the Government and plaintiff has also not shown any documents to show that plaintiff has challenged judgment and decree passed in O.S.No.205/2012. Wherein the court has declared that the sale deed dated:28.11.2005 is not



binding on the plaintiff.

16. The plaintiff has produced citations however citation passed by the Hon'ble Apex Court- **AIR 1994 Supreme Court 853- S.P.Chengalvaraya Naidu (Dead) by L.Rs V/s Jagannath (Dead) by L.Rs and Others and AIR 2007 Supreme Court 1546 – A.V.Papayya and Others V/s Government of A.P. and Others** wherein the said Hon'ble Apex Court discuss about the ground of fraud have been adjudicated upon earlier respondents failing to prove their loco-standy and courts finding respondent to be land grabber.

17. The plaintiffs in this case have not made any effort to show that fraud has not been plaint. However citation passed by the Hon'ble Apex Court **ILR 2012 KAR 4129 – S.K.Lakshminarasappa since deceased by his LR., vs Sri.B.Rudraiah and others wherein it is held that:**

Wherein the Hon'ble Apex Court



observe that adverse if a person other than a necessary party is not made party to the suit, the decree passed in their absence may not bind them, if they are claiming any independent title to the property being in possession of the same. If members of a joint family filed a suit for partition without impleading alienees and collude and get a decree passed affecting the interest of alieness, the said collusive decree being void, as alieness being not made parties and such a decree does not in any way affect their interest. But a suit for partition cannot be dismissed on that ground.

18. Herein this case in O.S.No.205/2012 the court has declared the sale deed dated:28.11.2005 is not binding on the parties. But. here the parties to the sale deed have not been made as a party but however on the basis of joint family properties court has come to the conclusion. The trail court has also not decided whether the property mentioned in sale deed is the coparcenary property or a joint family property and if so what is the share to these family members are entitled for the declaration of such shares and



the presence of alienees is not necessary even their absence suit of the plaintiff can be adjudicated upon and their presence not necessary to court determine the question involved in the suit. It is only declaration of share at the stage of divide property by metes and bounds and putting and possession of the share sold declare, the character, validity and the nature of alienation have to be taken to tough it is at that stage it is necessary to here the person who are claiming title through such members of the family and who have parted with valuable consideration and who are in possession of the property.

19. In this case the plaintiff is seeking for declaration of the judgment and decree passed in O.S.No.205/2012 is not binding and void. The plaintiff in this case have not produce the copy of the Final Decree Proceedings and more over it is stated by the plaintiff that Final Decree Proceedings has already been passed. Therefore, it has attained finality. In this case the plaintiff in the plaint the plaintiff has only



prayed for the permanent injunction wherein this court has jurisdiction to try bare injunction suit. Hence, I answer the **Point No.1 in the Negative.**

20. **Point No.2** : Based on the findings in Points No.1, I proceed to pass the following :

ORDER

The suit of the plaintiff is
hereby dismissed with costs.

Draw decree accordingly.

(Dictated to the Stenographer in part and dictated directly on the computer and computerized by her, corrected, signed and then pronounced by me in the Open Court on this the 23rd day of June 2026)

(Smt.Niveditha.T.M)
I Addl. Senior Civil Judge & JMFC.,
Ramanagara.

ANNEXURE

1. List of witnesses examined by the Plaintiff/s:

Pw-1 : Sri.Sushrutha Joshi

2. List of documents exhibited by the Plaintiff/s:

ExP-1 : Karnataka Bank Letter and Copy
Memorandum of Deposit of Title Deed;
ExP-2 : Copy of Sale Deed dated 16.02.2022
ExP-3 : Tax Paid Receipt;



- Exp-4 : Sketch for Manachanayakanahalli Grama Panchayath;
- Exp-5 : Copy of Memorandum of Deposit of Title Deeds;
- Exp-6 : Photographs,
- Exp-6(a) : CD;
- Exp-7 & 7(a) : Electricity Bills;
- Exp-8 : Certified Copy of Judgment and Decree I O.S.No.205/2012;
- Exp-9 & 10 : Receipts;
- Exp-11 & 12 : Form Nos.9 and 11,
- Exp-13 : Certified Copy of Sale Deed dated:28.11.2005;
- Exp-14 to 20 : Copies of RTC Extracts;
- Exp-21 : Certified Copy of Layout Plan.

3. List of witnesses examined by the defendant/s:

-Nil-

4. List of documents exhibited by the defendant/s:

-Nil-

**I Addl. Senior Civil Judge & JMFC.,
Ramanagara.**